IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 897 of 1998

Between:

S. Hanumantha Rao, S/o. Late Venkaiah,
R/o. 6-1-495, Khairatabad,
Hyderabad.

..... PETITIONER

AND

1 The District Collector,
Hyderabad, Hyderabad District.
2 The Commissioner of Police,
Hyderabad District, Divan Dewdi,
Hyderabad.
3 The Station House Officer,
Banjara Hills Police Station, Banjara Hills,
Hyderabad.
4 C.S.Koteshwar Rao,
R/o. 24, St.Johns Road, East Marradpally,
Hyderabad.
5 Kesana Srinivas, S/o. Kesana Venkata Subba Rao,
R/o. 4-5-422, Sultan Bazar,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents Nos.1 to 3 to stop the construction of respondent Nos.4 and 5 in Plot bearing No.74/A/B, 75/A/B, 76/A/B/C, 77/A/E, 78/A/D, 79/A/E situated at Krishna Nagar, Yousufguda, Hyderabad;

Counsel for the Petitioner: MR.P.R.BALARAMI REDDY

Counsel for the Respondents : MR.T.P.ACHARYA

The Court made the following :

ORDER:

The grievance of the petitioner is that he is the kartha of the joint Hindu family and the joint family is in possession of the properties including the properties bearing Plot Nos. 74/A/B, 75/A/B, 76/A/C, 78/A/D, 79/A/E and 77/A/E situated at Krishna Nagar, Yousufguda, Hyderabad, and all the properties admeasure about 550 sq. yards. When the respondents 4 and 5 were trying to interfere with his peaceful possession, he was constrained to move the civil Court and filed O.S.No.3810 of 1997 and also filed petition under Order 39 Rule 1 of C.P.C i.e., I.A.No.1307 of 1997 seeking interim injunction against the respondents 4 and 5 from interfering with his peaceful possession of the petition schedule lands. The Court below was pleased to grant ad-interim injunction on 03-10-1997. Grievance of the petitioner is that despite the existence of interim injunction, respondents 4 and 5 are trying to interfere with his peaceful possession and as the civil Court is closed due to vacation, apprehending that respondents 4 and 5 may demolish the structures situated in the petition schedule lands, he approached this Court and filed the present writ petition.

In fact this Court by its interim order, dated 12-01-1998, observed that so long as the injunction order granted by the Court below in I.A.No.1307 of 1997 subsists, there shall be a direction to the respondents 2 and 3 to see that the said injunction orders are not violated by anybody. In fact the relief sought for by the petitioner is on the ground that the interim injunction orders may not be worked out in view of the vacation to the civil Court.

In the light of the said interim orders, no further orders are required to be passed in the writ petition and the petitioner can as well proceed with the said suit.

Accordingly, the writ petition is disposed of.

07-12-2004

vs

To

1 The District Collector,
Hyderabad, Hyderabad District.
2 The Commissioner of Police,
Hyderabad District, Divan Dewdi,
Hyderabad.
3 The Station House Officer,
Banjara Hills Police Station, Banjara Hills,
Hyderabad.
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